

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS  
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT <b>Planning and Building</b>		(2) MEETING DATE <b>June 6, 2006</b>		(3) CONTACT/PHONE <b>Stephanie Fuhs (805) 781-5721</b>	
(4) SUBJECT <b>Submittal of a resolution approving an Amendment (Relating to Lot 10) to the Agreement for Mitigations for Tract 1516 with George Regala and Elena Regala, Supervisorial District #4</b>					
(5) SUMMARY OF REQUEST <b>Request the Board of Supervisors adopt the resolution accepting the Amendment (Relating to Lot 10) to the Agreement for Mitigations for Tract 1516 with George Regala and Elena Regala. The proposed project is within the Residential Rural land use category and is located at 1262 Whispering Meadows Lane, approximately 1,000 feet northeast of Dana Foothill Road, approximately 2.5 miles north of the community of Nipomo. The site is in the South County (Inland) planning area.</b>					
(6) RECOMMENDED ACTION <b>Adopt the resolution approving and accepting the Amendment (Relating to Lot 10) to the Agreement for Mitigations for Tract 1516 with George Regala and Elena Regala.</b>					
(7) FUNDING SOURCE(S) <b>Current Budget</b>		(8) CURRENT YEAR COST <b>n/a</b>		(9) ANNUAL COST <b>n/a</b>	
(10) BUDGETED? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A					
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): <b>County Counsel</b>					
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent _____ <input type="checkbox"/> Limited Term _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Temporary Help _____					
(13) SUPERVISOR DISTRICT(S) <input type="checkbox"/> 1st, <input type="checkbox"/> 2nd, <input type="checkbox"/> 3rd, <input checked="" type="checkbox"/> 4th, <input type="checkbox"/> 5th, <input type="checkbox"/> All			(14) LOCATION MAP <input checked="" type="checkbox"/> Attached <input type="checkbox"/> N/A		(15) Maddy Act Appointments Signed-off by Clerk of the Board
(16) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Hearing (Time Est. _____) <input type="checkbox"/> Presentation <input type="checkbox"/> Board Business (Time Est. _____)			(17) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions (Orig + 4 copies) <input type="checkbox"/> Contracts (Orig + 4 copies) <input type="checkbox"/> Ordinances (Orig + 4 copies) <input type="checkbox"/> N/A		
(18) NEED EXTRA EXECUTED COPIES? <input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A			(19) APPROPRIATION TRANSFER REQUIRED? <input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A		
(20) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) _____			(21) W-9 <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		(22) Agenda Item History <input checked="" type="checkbox"/> N/A    Date _____
(23) ADMINISTRATIVE OFFICE REVIEW <div style="text-align: right; font-family: cursive; font-size: 1.2em; margin-top: 10px;">             OK              Leslie Brown           </div>					

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 (6.6.06)



# SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP  
DIRECTOR

**TO:** BOARD OF SUPERVISORS

**FROM:** STEPHANIE FUHS, DEVELOPMENT REVIEW

**VIA:** WARREN HOAG, DIVISION MANAGER, CURRENT PLANNING *WH*

**DATE:** JUNE 6, 2006

**SUBJECT:** SUBMITTAL OF A RESOLUTION APPROVING AN AMENDMENT  
(RELATING TO PARCEL 10) TO THE AGREEMENT FOR MITIGATIONS  
FOR TRACT 1516 WITH GEORGE REGALA AND ELENA REGALA,  
SUPERVISORIAL DISTRICT NO. 4

## **RECOMMENDATION**

Adopt the Resolution approving and accepting the Amendment (relating to Parcel 10) to the Agreement for Mitigations for Tract 1516, with George Regala and Elena Regala.

## **DISCUSSION**

Attached is an amendment to a previously approved Agreement for Mitigations for Tract 1516. The original agreement was adopted by the Board of Supervisors on December 12, 1989. George Regala and Elena Regala are the owners of the property and are requesting an amendment to the original agreement as it relates to the previously approved building envelope for Parcel 10 of Tract 1516. On May 6, 2005, the Administrative Hearing Officer approved the request to allow the relocation of the building envelope to a point approximately 175 feet northeast of the previously approved building envelope. One of the conditions of approval for the reconsideration was to amend the previously recorded mitigation agreement to reflect the new building envelope. The attached agreement fulfills the requirement of that condition.

## **OTHER AGENCY INVOLVEMENT/IMPACT**

County Counsel prepared the resolution and agreement and approved the documents as to form and legal effect.

## **FINANCIAL CONSIDERATIONS**

None.

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**RESULTS**

Approving and accepting the Amendment (relating to Parcel 10) to the Agreement for Mitigations for Tract 1516 allows for the relocation of the originally approved building envelope to a point approximately 175 feet northeast on the project site while continuing the original agreement in full force and effect.

**ATTACHMENTS**

Resolution  
Vicinity Map  
Site Map  
Agreement

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**IN THE BOARD OF SUPERVISORS**  
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

\_\_\_\_\_ day \_\_\_\_\_, 20\_\_\_\_

**PRESENT: Supervisors**

**ABSENT:**

RESOLUTION NO. \_\_\_\_\_

RESOLUTION APPROVING AMENDMENT (RELATING TO LOT 10)  
TO THE AGREEMENT FOR MITIGATIONS FOR TRACT 1516  
WITH GEORGE REGALA AND ELENA REGALA

The following resolution is now offered and read:

WHEREAS, the Director of Planning and Building by letter dated June 6,  
2006, has duly recommended that the Board of Supervisors enter into the above  
mentioned amendment.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of  
Supervisors of the County of San Luis Obispo, State of California, as follows:

1. That the Amendment (Relating To Lot 10) To The Agreement For Mitigations  
For Tract 1516, a copy of which is attached hereto and incorporated by reference  
herein as though set forth in full, is hereby approved by the County of San Luis Obispo  
and the Chairman of the Board of Supervisors is hereby authorized and directed to  
execute said amendment on behalf of the County of San Luis Obispo.

2. That the Clerk of the Board of Supervisors is hereby authorized and directed  
to record the above amendment and a certified copy of this resolution in the office of  
the County Recorder of the County of San Luis Obispo.

Upon motion of Supervisor \_\_\_\_\_, seconded by Supervisor  
\_\_\_\_\_, and on the following roll call vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

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the foregoing resolution is hereby adopted.

\_\_\_\_\_  
Chairman of the Board of Supervisors

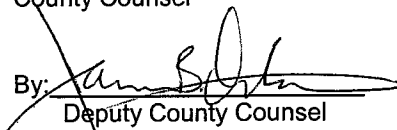
ATTEST:

\_\_\_\_\_  
Clerk of the Board of Supervisors

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.  
County Counsel

By:   
Deputy County Counsel

Dated: May 7, 2006

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STATE OF CALIFORNIA,       )  
  ) ss.  
County of San Luis Obispo,    )

I, \_\_\_\_\_, County Clerk and ex-officio Clerk  
of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do  
hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of  
Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this  
day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
County Clerk and Ex-Officio Clerk of the Board  
of Supervisors

(SEAL)

By: \_\_\_\_\_  
Deputy Clerk.

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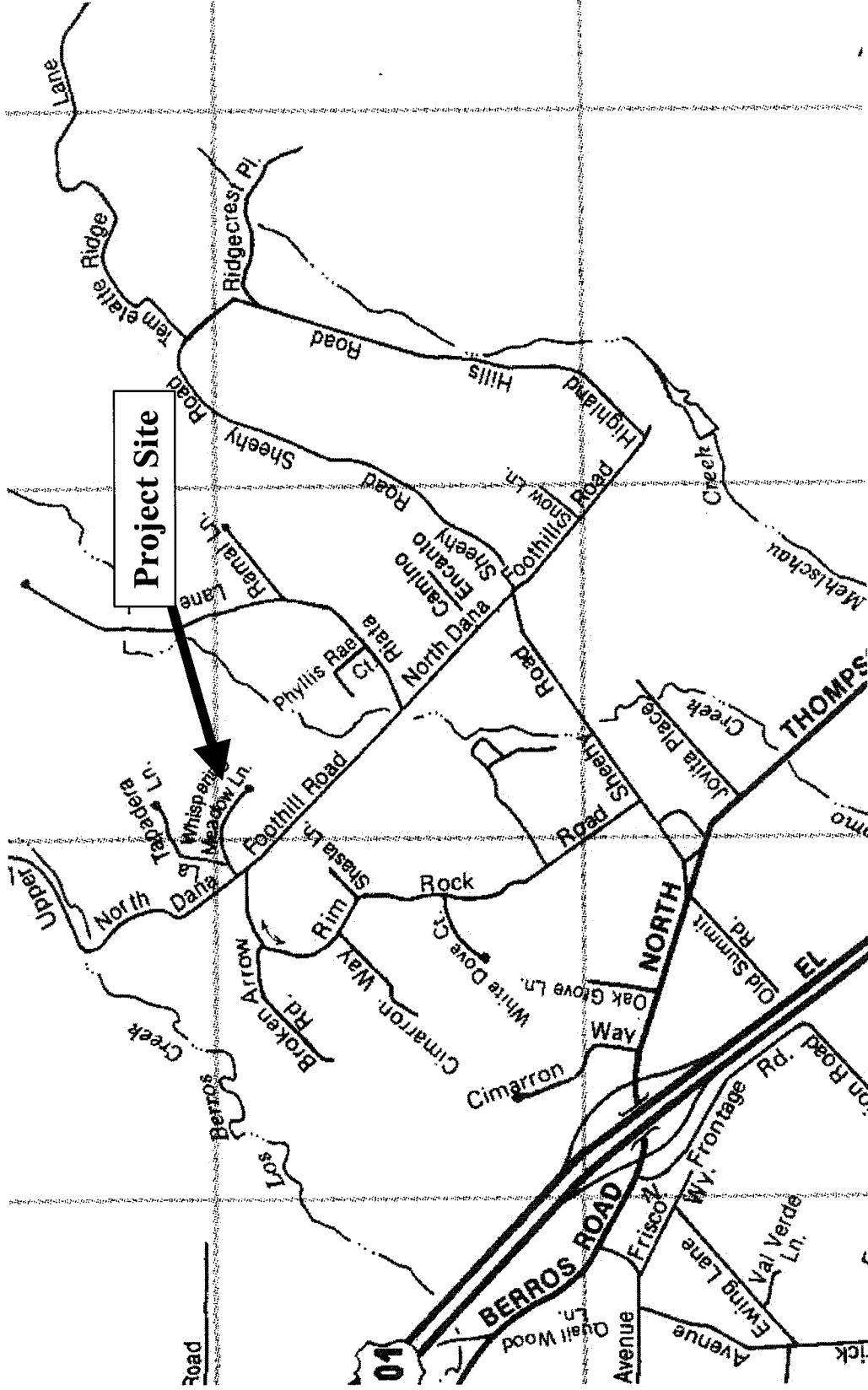


Exhibit  
Vicinity Map



Project  
DRC2004-00016 - Regala MUP

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RECORDING REQUESTED BY:

County of San Luis Obispo

AND WHEN RECORDED MAIL TO:

Clerk of the Board of Supervisors  
County of San Luis Obispo  
County Government Center  
San Luis Obispo, CA 93408

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APN: 090-012-012

AMENDMENT (RELATING TO LOT 10) TO THE  
AGREEMENT FOR MITIGATIONS FOR TRACT 1516

THIS AMENDMENT is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between GEORGE REGALA and ELENA REGALA, hereinafter referred to as "Owner," and the COUNTY OF SAN LUIS OBISPO, a political subdivision of the State of California, hereinafter referred to as "County."

WITNESSETH:

WHEREAS, on December 12, 1989, the Board of Supervisors duly adopted Resolution No. 89-584 whereby the County entered into an "Agreement For Mitigations For Tract 1516" (hereinafter referred to as the "Original Agreement"), which was recorded on December 20, 1989, as Document No. 86714 in Volume 3433, at Pages 821 through 856, inclusive, of the Official Records in the office of the County Recorder of the County of San Luis Obispo and which is incorporated by reference herein as though set forth in full; and

WHEREAS, on December 17, 1991, the Board of Supervisors duly adopted Resolution No. 91-630 whereby the County entered into an "Amendment To Mitigation Agreement For Tract 1516" (hereinafter referred to as the "Amendment to the Original Agreement"), which was recorded on February 10, 1992, as Document No. 8455 in Volume 3827, Pages 710 through 732, inclusive, of the Official Records in the office of the County Recorder of the County of San Luis Obispo and which is incorporated by reference herein as though set forth in full; and

WHEREAS, Owner is the successor in interest to the original Subdivider as to Lot 10 of Tract 1516 (which is more particularly described in Exhibit A attached hereto and incorporated by reference herein as though set forth in full) and, as such, is bound by the terms and provisions of the Original Agreement and the Amendment to the Original Agreement; and

WHEREAS, Owner and County desire to make certain amendments to the amended Original Agreement as it relates to Lot 10, while otherwise continuing the Original Agreement and the Amendment to the Original Agreement in full force and effect; and

WHEREAS, Owner has supplied County with a current title company preliminary title report or lot book guarantee listing all trust deed beneficiaries and mortgagees, if any, under prior recorded deeds of trust and mortgages on Lot 10 of Tract 1516.

NOW, THEREFORE, in consideration of the mutual promises, covenants and conditions herein contained, the parties hereto amend the Original Agreement as it relates to Lot 10 as follows:

1. The Original Agreement is hereby amended by adding new Paragraph 1(e), which said paragraph shall read as follows:

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(e) Relocation of building site areas. Notwithstanding any other provision of this agreement, the delineated building site area shown on Exhibit B for Lot 10 may be changed or relocated by the approval of a minor use permit by the County pursuant to the provisions of Title 22 of the San Luis Obispo County Code.

2. The Owner shall defend, indemnify and save harmless the County of San Luis Obispo, its officers, agents and employees from any and all claims, demands, damages, costs, expenses, judgments, or liability occasioned by the performance or attempted performance of the provisions hereof, or in any way arising out of this amendment, including, but not limited to, those predicated upon theories of violation of statute, ordinance or regulation, violation of civil rights, inverse condemnation, equitable relief, or any wrongful act or any negligent act or omission to act on the part of the Owner or agents, employees, or independent contractors directly responsible to the Owner; providing further that the foregoing obligation to defend, indemnify, and save harmless shall apply to any wrongful acts, or any passively negligent acts or omissions to act, committed jointly or concurrently by the Owner, the Owner's agents, employees, or independent contractors and the County, its agents, employees or independent contractors. Nothing contained in the foregoing indemnity provisions shall be construed to require the Owner to indemnify the County against any responsibility or liability in contravention of Section 2782 of the Civil Code.

3. Unless otherwise provided, all notices herein required shall be in writing, and delivered in person or sent by United States first class mail, postage prepaid. Notices required to be given to County shall be addressed as follows: Director of Planning and Building, County of San Luis Obispo, County Government Center, Room 300, San Luis Obispo, California 93408. Notices required to be given to the Owner shall be addressed as follows: George Regala, 2706 Banyon Way, Santa Maria, California

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93455. Provided that any party may change such address by notice in writing to the other party and thereafter notices shall be addressed and transmitted to the new address.

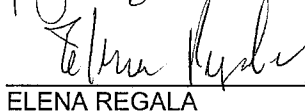
4. Except as expressly amended herein, all provisions of the Original Agreement as amended by the Amendment to the Original Agreement shall remain in full force and effect.

5. This amendment sets forth the full and entire understanding of the parties regarding the matter set forth herein, and any other prior or existing understandings or agreements by the parties, whether formal or informal, regarding any of said matters are hereby superseded or terminated in their entirety.

IN WITNESS WHEREOF, the parties hereto have executed this amendment as of this day and year first above written.

OWNER

  
\_\_\_\_\_  
GEORGE REGALA

  
\_\_\_\_\_  
ELENA REGALA

COUNTY OF SAN LUIS OBISPO

By: \_\_\_\_\_  
Chairman of the Board of Supervisors

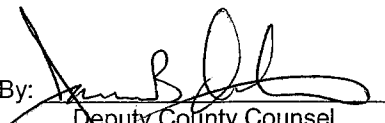
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ATTEST:

\_\_\_\_\_  
Clerk of the Board of Supervisors


APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.  
County Counsel

By:   
Deputy County Counsel  
Dated: May 9, 2006

APPROVED AS TO CONTENT:

VICTOR HOLANDA, AICP  
Director of Planning and Building

By:   
Dated: 5-2-06

[NOTE: This amendment will be recorded. All signatures to this amendment must be acknowledged by a notary.]

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**EXHIBIT A**

Lot 10 of Tract No. 1516 in the County of San Luis Obispo, State of California, according to the map recorded December 20, 1989 in Book 15, Page 37 of Maps and Certificate of Correction recorded April 23, 1991 in Book 3677, Page 48 of Official Records, in the Office of the County Recorder of said County.

EXCEPTING THEREFROM an undivided 25% of all oil, gas, minerals and other hydrocarbon substances in, on or underlying said land together with the right of ingress and egress for all purposes in connection therewith as reserved by Clara F. Fugler by deed recorded October 15, 1954 in Book 775, Page 585 of Official Records, San Luis Obispo County.

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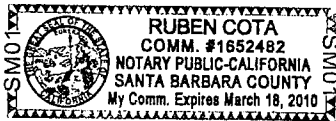
## CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Santa Barbara

On 1 before me, 1, personally appeared

April 27, 2006 George Regala



☐ personally known to me - OR - ☒ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

*Signature of Notary*

### OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

#### CAPACITY CLAIMED BY SIGNER (PRINCIPAL)

- ☐ Individual  
☐ Corporate Officer

#### Title

- ☐ Partner(s) ☐ Limited  
☐ General  
☐ Attorney-in-Fact  
☐ Trustee(s)  
☐ Guardian/Conservator  
☐ Other:

#### DESCRIPTION OF ATTACHED DOCUMENT

*Title or Type of Document*

*Number of Pages*

*Date of Document*

**Absent Signer (Principal) is Representing:**

*Signer(s) Other Than Name(s) Above*

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## CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

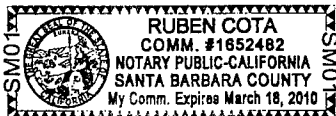
State of California

County of Santa Barbara

On 1 before me, R, personally appeared

April 27, 2006 Elena Rosquillo Regalado

☐ personally known to me - OR - ☒ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

*Signature of Notary*

### OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

#### CAPACITY CLAIMED BY SIGNER (PRINCIPAL)

- ☐ Individual  
☐ Corporate Officer

Title

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☐ Attorney-in-Fact  
☐ Trustee(s)  
☐ Guardian/Conservator  
☐ Other:

#### DESCRIPTION OF ATTACHED DOCUMENT

*Title or Type of Document*

*Number of Pages*

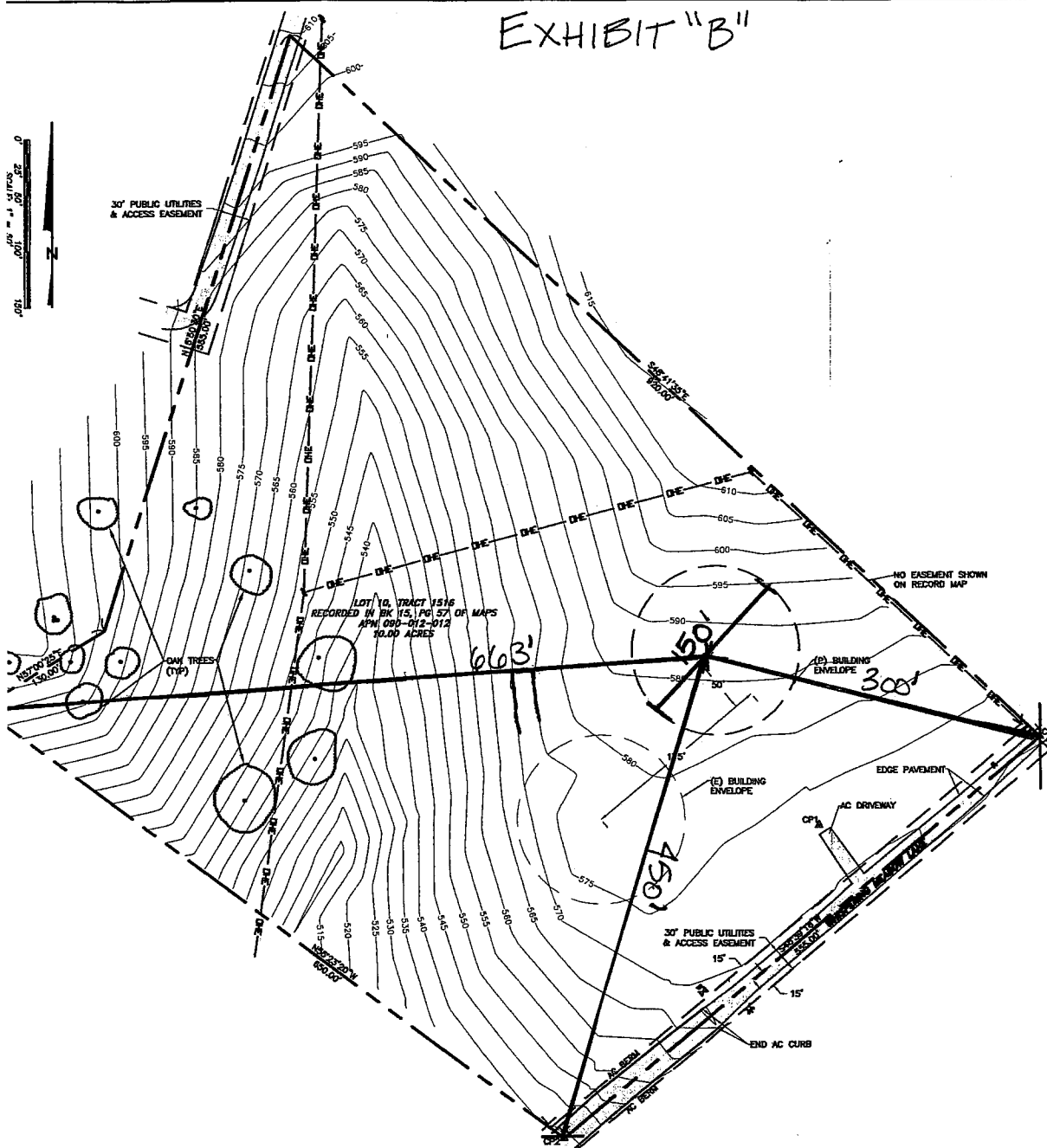
*Date of Document*

**Absent Signer (Principal) is Representing:**

*Signer(s) Other Than Name(s) Above*

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EXHIBIT "B"



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